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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,202	03/22/2004	Atsuo Ouchi	19546.03-50177/T604	1124

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EXAMINER

SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/805,202

Applicant(s)

OUCHI, ATSUO

Examiner

Eron J. Sorrell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4 and 5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 4, the preamble of the claim sets forth an apparatus, however, none of the limitation are necessarily hardware. All of the claimed elements of the claim can reasonably be construed as software per se, thus the entire apparatus is software, per se. Software, per se is non-statutory unless claimed in combination with a computer-readable storage medium (see MPEP 2106.01).

Referring to claim 5, the method does not appear to have a useful, concrete, tangible result. The method concludes with a recognizing step, but doesn't perform anything based on the recognition. Per MPEP 2106,

If USPTO personnel determine that the claim does not entail the transformation of an article, then USPTO personnel shall review the claim to determine it produces a useful, tangible, and concrete result. *In making this determination, the focus is not on whether the steps taken to achieve a particular result*

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are useful, tangible, and concrete, but rather on whether the final result achieved by the claimed invention is "useful, tangible, and concrete (emphasis added)."

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishigaya et al (U.S. Patent No. 6,685,090 hereinafter "Nishigaya").

4. Referring to claims 1, 2, and 4, Nishigaya teaches an apparatus and a storage medium on which is stored a program for recognizing a correspondence among identifiers in a system where an information processing apparatus shares one or more I/O devices with other information processing apparatuses over a network, the apparatus, comprising:

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a unit for receiving a common identifier used in common among two or more information processing apparatuses for specifying an I/O device (see item 31 in figure 1 and lines 29-40 of column 4);

a first reading unit for reading first I/O device information from the other information processing apparatus corresponding to the common identifier (see item 2 in figure 1 and lines 16-23 of column 4);

a second reading unit for reading second I/O device information from an I/O device given a peculiar identifier used by each information processing apparatus for specifying said I/O device (see item 4 and lines 4-15 of column 4); and

a unit for recognizing correspondence between the common identifier and the peculiar identifier (see item 5 in figure 1) by comparing the first I/O-device information with the second I/O device information (see lines 5-16 of column 5).

5. Referring to claim 3, Nishigaya teaches the information processing apparatus to perform automatically the first reading step, the second reading step, and the correspondence recognizing step after receiving a common identifier in the common-identifier receiving step (see figures 7 and 8, note there is no user intervention after a receiving step).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaya in view of Ayukawa et al. (U.S. Patent No. 6,789,141 hereinafter "Ayukawa").

8. Referring to claim 5, Nishigaya teaches a method for sharing one or more I/O devices with information processing apparatuses over a network, the method comprising the steps of:

a step in which an information processing apparatus receives a common identifier used in common among two or more information processing apparatuses for specifying an I/O device (lines 29-40 of column 4);

a step in which the other information processing apparatus transmits the first I/O device information corresponding to the

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common identifier to the information processing apparatus (see lines 16-23 of column 4); and

a step in which the information processing apparatus receives the second I/O device information corresponding to the common identifier (see lines 4-15 of column 4), and recognizes the correspondence between the common identifier and the peculiar identifier by comparing the first I/O device information with the second I/O device information (see lines 5-16 of column 5).

Nishigaya fails to teach a step in which the information processing apparatus requests the other information processing apparatus to send first I/O device information corresponding to the common identifier.

Ayukawa teaches, in an analogous system wherein peripheral devices are shared over a network, the above limitation (see paragraph bridging columns 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Nishigaya with the above teachings of Ayukawa in order to verify the communication links as suggested by Ayukawa.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KIM HUYNH
SUPERVISORY PATENT EXAMINER

3/19/07